

SNELL & WILMER
L.L.P.
LAW OFFICES
12230 EL CAMINO REAL
SUITE 300
SAN DIEGO, CALIFORNIA 92130

1 SNELL & WILMER L.L.P.
Amy F. Sorenson, Bar. No. 191050
2 asorenson@swlaw.com
Kelly H. Dove (pro hac vice pending)
3 kdove@swlaw.com
Aliya L. Astaphan, Bar No. 340162
4 aastaphan@swlaw.com
12230 El Camino Real
5 Suite 300
San Diego, California 92130
6 Telephone: 858.434.5020
Facsimile: 858.434.5006
7

8 Attorneys for Defendant
WELLS FARGO BANK, NATIONAL
ASSOCIATION
9

10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11

12 HELEN PALMA,
13 Plaintiff, on behalf of herself
14 and all others similarly
situated,

15 v.

16 WELLS FARGO BANK, NATIONAL
ASSOCIATION, and ROES 1-10,
17

18 Defendants.
19

Case No. _____

[Originally filed in San Francisco Superior
Court, Case No. CGC-24-612124]

**DEFENDANT WELLS FARGO BANK,
NATIONAL ASSOCIATION'S NOTICE
OF REMOVAL**

[28 U.S.C. §§ 1441, 1446]

Complaint Filed: February 2, 2024
Amended Complaint Filed: March 26, 2024
Amended Complaint Served: April 3, 2024
Trial Date: None

20
21 **TO THIS HONORABLE COURT:**

22 **PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant
23 Wells Fargo Bank, National Association ("Wells Fargo") hereby removes to this Court the state
24 court action described below. In support of this Notice of Removal, Wells Fargo states:
25
26
27
28

STATE COURT PROCEEDINGS

1. On or about February 2, 2024, Plaintiff Helen Palma (“Plaintiff”) commenced her civil action against Wells Fargo and Roes 1 through 10, in the Superior Court of California for the County of San Francisco, entitled *Helen Palma v. Wells Fargo Bank, National Association, et al.*, Case Number CGC-24-612124 (the “State Court Action”).

2. In her Class Action Complaint (“Complaint”), Plaintiff asserts claims for violations of the Truth in Lending Act (“TILA”), 15 U.S.C. § 1601 *et seq.*; violations of the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788 *et seq.*; conversion; violations of California Penal Code § 496; and violations of California’s Unfair Competition Law, California Business and Professions Code § 17200. Plaintiff did not serve the Complaint on Wells Fargo.

3. Thereafter, on or about March 26, 2024, Plaintiff filed a First Amended Class Action Complaint (“Amended Complaint”), which she served on Wells Fargo on April 3, 2024. With the Amended Complaint, Plaintiff also served Wells Fargo with a Summons, Civil Case Cover Sheet, Electronically Stored Information Request, and an Alternative Dispute Resolution Information Package. True and correct conformed copies of the Summons, Amended Complaint, Civil Case Cover Sheet, Electronically Stored Information Request, and an Alternative Dispute Resolution Information Package, as they were served on Wells Fargo, are attached as **Exhibit A**. A true and correct copy of the proof of service on Wells Fargo is attached as **Exhibit B**.

REMOVAL IS TIMELY

4. Removal is timely under 28 U.S.C. § 1446(b) because this Notice of Removal has been filed within thirty (30) days after service of the Amended Complaint on Wells Fargo, and within one year of the commencement of the State Court Action. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347–48 (1999) (the 30-day deadline to remove set forth in § 1446(b) is “triggered by” service of the summons and complaint and not by earlier “receipt of the complaint unattended by any formal service”).

5. Two administrative orders and a case management notice have been filed in the State Court Action, true and correct copies of which are attached as **Exhibit C**. No further proceedings have yet occurred in the State Court Action. A true and correct copy of the State Court Action's docket is attached as **Exhibit D**.

**THE COMPLAINT IS SUBJECT TO REMOVAL BASED ON FEDERAL QUESTION
GROUNDS AND SUPPLEMENTAL JURISDICTION**

6. The State Court Action involves at least one federal question claim because Plaintiff's Amended Complaint asserts violations of TILA, 15 U.S.C. § 1601 *et seq.* Under 28 U.S.C. § 1331, this Court has original jurisdiction over the TILA claim because it arises under the Constitution, laws, or treaties of the United States.

7. Under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over all other claims in the State Court Action because they are so related to the claims over which this Court has original jurisdiction under 28 U.S.C. § 1331 that they form part of the same case or controversy.

THE PROCEDURAL REQUIREMENTS OF 28 U.S.C. § 1446 ARE SATISFIED

8. Removal to this district is proper because the United States District Court for the Northern District of California embraces the place in which the removed action is pending, *i.e.*, the Superior Court of California, County of San Francisco. *See* 28 U.S.C. §§ 1441(a), 1446(a).

9. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Wells Fargo are attached as exhibits to this Notice of Removal.

10. In accordance with 28 U.S.C. § 1446(d), Wells Fargo will give Plaintiff written notice of the filing of this Notice of Removal and will file the same with the Superior Court of California for the County of San Francisco.

CONCLUSION

For the foregoing reasons, Wells Fargo respectfully requests that the State Action be removed to this Court, and no further proceedings be had in the Superior Court of California for the County of San Francisco.

Dated: May 2, 2024

SNELL & WILMER L.L.P.

By: /s/ Amy F. Sorenson

Amy F. Sorenson

Kelly H. Dove (pro hac vice pending)

Aliya L. Astaphan

Attorneys for Defendants
WELLS FARGO BANK, NATIONAL
ASSOCIATION

SNELL & WILMER
L.L.P.
LAW OFFICES
12230 EL CAMINO REAL
SUITE 300
SAN DIEGO, CALIFORNIA 92130

INDEX OF EXHIBITS

Exhibit No.	Description	No. of Pages
A	Copies of Pleadings	27
B	Proof of Service	2
C	Notice to Plaintiff - Case Management Conference; Order Denying Complex Designation; Order Granting Fee Waiver	6
D	State Court Docket	2